

It was decided in the { Yeas 249
affirmative { Nays 181

¶65.8

[Roll No. 211]

AYES—249

Aderholt	Gekas	Packard
Andrews	Gibbons	Pallone
Archer	Gilchrest	Pascrell
Armey	Gillmor	Peterson (MN)
Bachus	Gilman	Peterson (PA)
Baird	Goodlatte	Petri
Baker	Goodling	Phelps
Ballenger	Gordon	Pickering
Barcia	Goss	Pitts
Barr	Graham	Pomeroy
Barrett (NE)	Granger	Porter
Bartlett	Green (TX)	Portman
Barton	Green (WI)	Quinn
Bass	Greenwood	Radanovich
Bateman	Gutknecht	Ramstad
Bereuter	Hall (OH)	Regula
Berkley	Hansen	Reyes
Berry	Hastings (WA)	Reynolds
Biggert	Hayes	Riley
Billray	Hayworth	Roemer
Bilirakis	Hefley	Rogan
Bishop	Herger	Rogers
Bliley	Hill (IN)	Rohrabacher
Blunt	Hilleary	Ros-Lehtinen
Boehlert	Hobson	Rothman
Boehner	Holden	Roukema
Bono	Holt	Royce
Borski	Hooley	Ryan (WI)
Boswell	Horn	Ryun (KS)
Boucher	Hulshof	Salmon
Boyd	Hunter	Sanchez
Brady (TX)	Hutchinson	Saxton
Bryant	Isakson	Schaffer
Burr	Istook	Sensenbrenner
Burton	Jenkins	Sessions
Buyer	John	Shadeegg
Callahan	Johnson (CT)	Shaw
Calvert	Johnson, Sam	Shays
Camp	Jones (NC)	Sherwood
Canady	Kelly	Shimkus
Capps	King (NY)	Shows
Castle	Kingston	Shuster
Chabot	Knollenberg	Simpson
Chambliss	Kolbe	Skelton
Clement	Kuykendall	Smith (MI)
Collins	LaHood	Smith (TX)
Combest	Lampson	Smith (WA)
Condit	Largent	Spence
Cook	Latham	Stabenow
Costello	Lazio	Stearns
Cox	Leach	Stump
Cramer	Lewis (CA)	Sununu
Crane	Lewis (KY)	Talent
Cubin	Linder	Tancredo
Cunningham	LoBiondo	Tauscher
Davis (FL)	Lowe	Tauzin
Davis (VA)	Lucas (KY)	Taylor (MS)
Deal	Lucas (OK)	Taylor (NC)
DeLay	Luther	Terry
DeMint	Maloney (CT)	Thomas
Deutsch	Mascara	Thompson (CA)
Diaz-Balart	McCarthy (NY)	Thune
Dickey	McCollum	Toomey
Doyle	McCrery	Trafigant
Dreier	McHugh	Turner
Duncan	McInnis	Udall (NM)
Dunn	McIntosh	Upton
Edwards	McIntyre	Vitter
Ehrlich	McKeon	Walden
Emerson	Mica	Walsh
English	Miller (FL)	Watkins
Etheridge	Miller, Gary	Watts (OK)
Evans	Minge	Weiner
Everett	Moore	Weldon (FL)
Ewing	Moran (KS)	Weldon (PA)
Fletcher	Myrick	Weller
Forbes	Nethercutt	Wexler
Fowler	Northup	Whitfield
Franks (NJ)	Norwood	Wicker
Frelinghuysen	Nussle	Wolf
Frost	Ortiz	Wu
Gallegly	Ose	Young (AK)
Ganske	Oxley	Young (FL)

NOES—181

Abercrombie	Blagojevich	Capuano
Ackerman	Blumenauer	Cardin
Allen	Bonilla	Carson
Baldacci	Bonior	Chenoweth
Baldwin	Brady (PA)	Clay
Barrett (WI)	Brown (FL)	Clayton
Becerra	Brown (OH)	Clyburn
Bentsen	Coble	Campbell
Berman	Cannon	Coburn

Conyers	Kildee	Pickett
Cooksey	Kilpatrick	Pombo
Coyne	Kind (WI)	Price (NC)
Crowley	Kleccka	Pryce (OH)
Cummings	Klink	Rahall
Danner	Kucinich	Rangel
DeFazio	LaFalce	Rivers
DeGette	Lantos	Rodriguez
Delahunt	Larson	Roybal-Allard
DeLauro	LaTourette	Rush
Dicks	Lee	Sabo
Dingell	Levin	Sanders
Dixon	Lewis (GA)	Sandlin
Doggett	Lipinski	Sanford
Dooley	Lofgren	Sawyer
Doolittle	Maloney (NY)	Scarborough
Ehlers	Manzullo	Schakowsky
Engel	Markey	Scott
Eshoo	Martinez	Serrano
Farr	Matsui	Sherman
Fattah	McCarthy (MO)	Sisisky
Filner	McDermott	Skeen
Foley	McGovern	Slaughter
Ford	McKinney	Smith (NJ)
Fossella	McNulty	Snyder
Frank (MA)	Meehan	Souder
Gedjenson	Meek (FL)	Spratt
Gephardt	Meeks (NY)	Stark
Gonzalez	Menendez	Stenholm
Goode	Metcalfe	Strickland
Gutierrez	Millender-	Stupak
Hall (TX)	McDonald	Sweeney
Hastings (FL)	Miller, George	Tanner
Hill (MT)	Mink	Thompson (MS)
Hiiliard	Moakley	Thornberry
Hinchey	Mollohan	Thurman
Hinojosa	Moran (VA)	Tiahrt
Hoefel	Morella	Tierney
Hoekstra	Murtha	Towns
Hostettler	Nadler	Udall (CO)
Hoyer	Napolitano	Velazquez
Hyde	Neal	Vento
Inslee	Ney	Visclosky
Jackson (IL)	Oberstar	Wamp
Jackson-Lee	Obey	Waters
(TX)	Olver	Watt (NC)
Jefferson	Owens	Waxman
Johnson, E. B.	Pastor	Weygand
Jones (OH)	Paul	Wilson
Jonkerski	Payne	Wise
Kaptur	Pease	Woolsey
Kennedy	Pelosi	Wynn

NOT VOTING—4

Brown (CA)	Houghton
Davis (IL)	Kasich

So the amendment was agreed to.
After some further time,

¶65.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SALMON:

Add at the end the following:

SEC. . . AIMEE'S LAW.

(a) **SHORT TITLE.**—This section may be cited as "Aimee's Law".

(b) **DEFINITIONS.**—In this section:

(1) **DANGEROUS SEXUAL OFFENSE.**—The term "dangerous sexual offense" means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) **MURDER.**—The term "murder" has the meaning given the term under applicable State law.

(3) **RAPE.**—The term "rape" has the meaning given the term under applicable State law.

(4) **SEXUAL ABUSE.**—The term "sexual abuse" has the meaning given the term under applicable State law.

(5) **SEXUALLY EXPLICIT CONDUCT.**—The term "sexually explicit conduct" has the meaning given the term under applicable State law.

(c) **REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.**—

(1) **PENALTY.**—

(A) **SINGLE STATE.**—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in

a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) **MULTIPLE STATES.**—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) **STATE DESCRIBED.**—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) **STATE APPLICATIONS.**—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) **SOURCE OF FUNDS.**—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) **CONSTRUCTION.**—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) **EXCEPTION.**—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) **COLLECTION OF RECIDIVISM DATA.**—

(1) **IN GENERAL.**—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of

the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

It was decided in the { Yeas 412
affirmative } Nays 15

¶65.10

[Roll No. 212]

AYES—412

Abercrombie	Combest	Goss
Ackerman	Condit	Graham
Aderholt	Cook	Granger
Allen	Cooksey	Green (TX)
Andrews	Costello	Green (WI)
Archer	Cox	Greenwood
Armey	Coyne	Gutierrez
Bachus	Cramer	Gutknecht
Baird	Crane	Hall (OH)
Baker	Crowley	Hall (TX)
Baldacci	Cubin	Hansen
Baldwin	Cummings	Hastings (FL)
Ballenger	Cunningham	Hastings (WA)
Barcia	Danner	Hayes
Barr	Davis (FL)	Hayworth
Barrett (NE)	Davis (VA)	Hefley
Barrett (WI)	Deal	Herger
Bartlett	DeFazio	Hill (IN)
Barton	DeGette	Hill (MT)
Bass	Delahunt	Hilleary
Bateman	DeLauro	Hilliard
Becerra	DeLay	Hinchey
Bentsen	DeMint	Hinojosa
Bereuter	Deutsch	Hobson
Berkley	Diaz-Balart	Hoefel
Berman	Dickey	Hoekstra
Berry	Dicks	Holden
Biggert	Dingell	Holt
Bilbray	Dixon	Hooley
Bilirakis	Doggett	Horn
Bishop	Dooley	Hostettler
Blagojevich	Doolittle	Hoyer
Bliley	Doyle	Hulshof
Blumenauer	Dreier	Hunter
Blunt	Duncan	Hutchinson
Boehlert	Dunn	Hyde
Boehner	Edwards	Inslee
Bonilla	Ehrlich	Isakson
Bonior	Emerson	Istook
Bono	Engel	Jackson-Lee
Borski	English	(TX)
Boswell	Eshoo	Jefferson
Boucher	Etheridge	Jenkins
Boyd	Evans	John
Brady (PA)	Everett	Johnson (CT)
Brady (TX)	Ewing	Johnson, E. B.
Brown (FL)	Farr	Johnson, Sam
Brown (OH)	Fattah	Jones (NC)
Bryant	Filner	Kanjorski
Burr	Fletcher	Kaptur
Burton	Foley	Kelly
Buyer	Forbes	Kennedy
Callahan	Ford	Kildee
Calvert	Fossella	Kind (WI)
Camp	Fowler	King (NY)
Campbell	Franks (NJ)	Kingston
Canady	Frelinghuysen	Klecza
Cannon	Frost	Klink
Capps	Galleghy	Knollenberg
Capuano	Ganske	Kolbe
Cardin	Gejdenson	Kucinich
Carson	Gekas	Kuykendall
Castle	Gephardt	LaFalce
Chabot	Gibbons	LaHood
Chambliss	Gilchrest	Lampson
Chenoweth	Gillmor	Lantos
Clayton	Gilman	Largent
Clement	Gonzalez	Larson
Clyburn	Goode	Latham
Coble	Goodlatte	LaTourette
Coburn	Goodling	Lazio
Collins	Gordon	Leach

Levin	Pallone	Skelton
Lewis (CA)	Pascarell	Slaughter
Lewis (GA)	Pastor	Smith (MI)
Lewis (KY)	Paul	Smith (NJ)
Linder	Pease	Smith (TX)
Lipinski	Pelosi	Smith (WA)
LoBiondo	Peterson (MN)	Snyder
Lofgren	Peterson (PA)	Souder
Lowey	Petri	Spence
Lucas (KY)	Phelps	Spratt
Lucas (OK)	Pickering	Stabenow
Luther	Pickett	Stark
Maloney (CT)	Pitts	Stearns
Maloney (NY)	Pombo	Stenholm
Manzullo	Pomeroy	Strickland
Markey	Porter	Stump
Mascara	Portman	Stupak
Matsui	Price (NC)	Sununu
McCarthy (MO)	Pryce (OH)	Sweeney
McCarthy (NY)	Quinn	Talent
McCollum	Radanovich	Tancredo
McCrery	Rahall	Tanner
McDermott	Ramstad	Tauscher
McGovern	Rangel	Tauzin
McHugh	Regula	Taylor (MS)
McInnis	Reyes	Taylor (NC)
McIntosh	Reynolds	Terry
McIntyre	Riley	Thompson (CA)
McKeon	Rivers	Thompson (MS)
McKinney	Rodriguez	Thornberry
McNulty	Roemer	Thune
Meehan	Rogan	Thurman
Menendez	Rogers	Tiahrt
Metcalfe	Rohrabacher	Tierney
Mica	Ros-Lehtinen	Toomey
Millender-McDonald	Rothman	Towns
Miller (FL)	Roukema	Trafficant
Miller, Gary	Royce	Turner
Miller, George	Rush	Udall (CO)
Minge	Ryan (WI)	Udall (NM)
Mink	Ryun (KS)	Upton
Moakley	Sabo	Velazquez
Mollohan	Salmon	Vento
Moore	Sanchez	Visclosky
Moran (KS)	Sanders	Vitter
Moran (VA)	Sandlin	Walden
Morella	Sanford	Walsh
Murtha	Sawyer	Wamp
Myrick	Saxton	Watkins
Nadler	Scarborough	Watts (OK)
Napolitano	Schaffer	Waxman
Neal	Schakowsky	Weldon (FL)
Nethercutt	Sensenbrenner	Weldon (PA)
Ney	Serrano	Weller
Northup	Sessions	Wexler
Norwood	Shadegg	Weygand
Nussle	Shaw	Whitfield
Oberstar	Shays	Wicker
Obey	Sherman	Wilson
Oliver	Sherwood	Wise
Ortiz	Shimkus	Wolf
Ose	Shows	Woolsey
Owens	Shuster	Wu
Oxley	Simpson	Wynn
Packard	Sisisky	Young (AK)
	Skeen	Young (FL)

NOES—15

Clay	Kilpatrick	Payne
Conyers	Lee	Roybal-Allard
Frank (MA)	Martinez	Scott
Jackson (IL)	Meek (FL)	Waters
Jones (OH)	Meeks (NY)	Watt (NC)

NOT VOTING—7

Brown (CA)	Houghton	Weiner
Davis (IL)	Kasich	
Ehlers	Thomas	

So the amendment was agreed to.

¶65.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HYDE:

Add at the end the following new title:

TITLE —PROTECTING CHILDREN FROM THE CULTURE OF VIOLENCE

SEC. —. PROTECTING CHILDREN FROM EXPLICIT SEXUAL OR VIOLENT MATERIAL.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

“§ 1471. Protection of minors

“(a) PROHIBITION.—Whoever in interstate or foreign commerce knowingly and for monetary consideration, sells, sends, loans, or exhibits, directly to a minor, any picture, photograph, drawing, sculpture, video game, motion picture film, or similar visual representation or image, book, pamphlet, magazine, printed matter, or sound recording, or other matter of any kind containing explicit sexual material or explicit violent material which—

“(1) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal or panders to the prurient, shameful, or morbid interest;

“(2) the average person, applying contemporary community standards, would find the material patently offensive with respect to what is suitable for minors; and

“(3) a reasonable person would find, taking the material as a whole, lacks serious literary, artistic, political, or scientific value for minors;

shall be punished as provided in subsection (c) of this section.

“(b) DEFINITIONS.—As used in subsection (a)—

“(1) the term ‘knowingly’ means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of—

“(A) the character and content of any material described in subsection (a) which is reasonably susceptible of examination by the defendant; and

“(B) the age of the minor;

but an honest mistake is a defense against a prosecution under this section if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor;

“(2) the term ‘minor’ means any person under the age of 17 years; and

“(3) the term ‘sexual material’ means a visual depiction of an actual or simulated display of, or a detailed verbal description or narrative account of—

“(A) human male or female genitals, pubic area or buttocks with less than a full opaque covering;

“(B) a female breast with less than a fully opaque covering of any portion thereof below the top of the nipple;

“(C) covered male genitals in a discernibly turgid state;

“(D) acts of masturbation, sodomy, or sexual intercourse;

“(E) physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or if such person be a female, breast;

“(4) the term ‘violent material’ means a visual depiction of an actual or simulated display of, or a detailed verbal description or narrative account of—

“(A) sadistic or masochistic flagellation by or upon a person;

“(B) torture by or upon a person;

“(C) acts of mutilation of the human body; or

“(D) rape.

“(c) PENALTIES.—The punishment for an offense under this section is—

“(1) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense which does not occur after a conviction for another offense under this section; and

“(2) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense which occurs after a conviction for another offense under this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of